

ARTICLE 23
GENERAL PROVISIONS FOR OPEN SPACE

23-1 Open Space, General. Where Common Open Space is required in either the Cluster Alternate within any R district, the PUD district, or elsewhere at the developer's option, there are two (2) alternate arrangements possible for the ownership, maintenance, and perpetuation of the Common Open Space as follows.

23-2 Open Space Deeded to Town. Common Open Space may be deeded to the Town if the open space is to serve the public in general and is consistent with the proposals for acquisition of open space as presented in the Comprehensive Plan. The Town Council shall determine whether or not to accept all such open space based upon conformity to the Comprehensive Plan, size, location, character, and general suitability. Such open space must consist of parks and recreation areas; conservation, utility, and drainage easements; or other similarly appropriate area as determined by the Town Council. Nothing herein shall deem it inappropriate for the Town to accept other lands by deed such as public building sites and right-of-way; however, such lands shall not be considered as fulfilling the acreage requirements for Common Open Space.

23-3 Open Space Lands in Corporate Ownership. Common Open Space not serving the public in general; not consistent with the open space proposals as presented in the Comprehensive Plan; and not needed, desired, or dedicated to the Town shall be conveyed to a nonprofit corporation duly established under the laws of Virginia to maintain and manage the Common Open Space, provided that proper agreements and covenants running with the land are made to insure its development and maintenance. All such arrangements are subject to the review and approval of the Town. Such covenants shall provide that the assessments, charges, and costs for the maintenance of the open space lands shall constitute a pro rata lien upon the individual lots, parcels, or other units of the development which can be sold, second only to taxes and any prior lien on each lot or parcel.

The members of such nonprofit corporate ownership shall be the owners of all lots within the development, and the said land is to be held and used for the benefit of all residents.

Such open space lands shall not be denuded, defaced, or destroyed in any manner.

23-4 General Location, Binding. All open space lands approved and preliminary sketch, plat or development plan are binding as to general location, acreage, and uses proposed.

23-5 Preliminary Sketch and Preliminary Plat Application. The Town Planning Commission shall review the preliminary sketch and/or the preliminary plat application and make its recommendation to Town Council with regard to the use, applicability, and location of the open space as well as its relationship to the Comprehensive Plan.

23-6 Indication of Final Plat. All final plats and development plans shall indicate in the title block, by section as recorded, the open space areas by type of use, the acreage, and the percentage of the total project included on each plat.

23-7 Streets, Lots, Parking Bays Not Included. Streets, service drives, parking bays, and all lots to be transferred for sale, where provided as required, shall be computed as a part of the lot coverage, and shall not be credited as open space.